



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 9, 2016  
**AGENDA DATE:** March 16, 2016  
**PROJECT ADDRESS:** 2215 Carlton Way (MST2015-00130)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470, ext. 4531  
Beatriz Gularte, Senior Planner *BEG*  
Kelly Brodison, Assistant Planner *KAB*

### I. PROJECT DESCRIPTION

The project consists of a proposal to convert a 595 square foot accessory space into a secondary dwelling unit within an existing 3,393 square foot residence with an attached 451 square foot, two-car garage and an additional uncovered parking space on a 12,575 square foot lot, located in the non-appealable jurisdiction of the Coastal Zone. The remaining living area for the main house would be 2,798 square feet.

### II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Coastal Development Permit (CDP2015-00005) to allow the proposed development in the non-appealable jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

Pursuant to SBMC §28.44.110, the decision issued by the Staff Hearing Officer does not require a public hearing and is not appealable.

### III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VI of this report, and subject to the conditions of approval in Exhibit A.



2215 Carlton Way – Vicinity Map

**APPLICATION DEEMED COMPLETE:**  
**DATE ACTION REQUIRED :**

February 12, 2016  
April 12, 2016

#### IV. SITE INFORMATION AND PROJECT STATISTICS

##### A. SITE INFORMATION

<b>Applicant:</b>	Amy Von Protz. Architect		
<b>Property Owner:</b>	Constance Townsend		
<b>Site Information</b>			
<b>Parcel Number:</b>	041-326-002	<b>Lot Area:</b>	12,575 sq. ft.
<b>General Plan:</b>	Residential 5 Units Per Acre	<b>Zoning:</b>	E-3/SD-3
<b>Existing Use:</b>	Single Family Residential	<b>Topography:</b>	<u>Flat</u>
<b>Adjacent Land Uses</b>			
<b>North</b> – Single Family Residential		<b>East</b> - Single Family Residential	
<b>South</b> - Single Family Residential		<b>West</b> - Single Family Residential	

##### B. PROJECT STATISTICS

	<b>Existing</b>	<b>Proposed</b>
<b>Living Area</b>	2,798 sq. ft.	No Change
<b>Garage</b>	451 sq. ft.	No Change
<b>Proposed Accessory Space</b>	595 sq. ft.	Convert to secondary dwelling unit
<b>Total</b>	3,844 sq. ft.	3,844 sq. ft.

#### ENVIRONMENTAL REVIEW

The proposed project is within the scope of the 2011 General Plan and the program EIR analysis for the General Plan. The project is consistent with the development potential designated and analyzed by the Program EIR. City Staff have reviewed the project and determined that all project-specific environmental effects are substantially mitigated by the imposition of uniformly applied development policies and standards. Therefore, no further environmental analysis is required for this project pursuant to the California Environmental Quality Act (Public Resources Code 21082.3 and CEQA Guideline Section 15183). City Council environmental findings adopted for the General Plan remain applicable for this project.

#### V. COMPLIANCE WITH THE GENERAL PLAN AND LOCAL COASTAL PLAN L

##### GENERAL PLAN CONSISTENCY

The proposed project is located in the West Mesa neighborhood, as identified in the Land Use Element of the General Plan, and has a land use designation of Residential, five units per acre. This area is recognized as mostly a single family neighborhood with a commercial center in the area of Cliff Drive and Meigs Road. The commercial area is surrounded by some multi-family

uses on the north and some duplex and condominium development on the south. The new unit will be contained within the existing building and will not add to the size or height of the building. Therefore, the addition of a second residential dwelling unit within the existing residence is consistent with the pattern of development in the neighborhood and the addition of the secondary dwelling on the .29-acre lot would not change the density with regard to the General Plan Land Use designation.

The Housing Element encourages the development of secondary dwelling units in an effort to promote a variety of housing opportunities.

#### **LOCAL COASTAL PLAN CONSISTENCY**

The project site is located within the Coastal Zone and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. The project is in Component Two of the Local Coastal Plan (LCP), which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area is single-family residential and has very limited additional development potential. The major coastal issues identified for Component Two include hazards of seacliff retreat and flooding, maintaining and providing public access, both vertically and laterally along the bluffs, preventing overuse of public facilities; protection of recreational access; protection of archaeological resources and the maintenance of existing coastal views and open space.

The project site is not located on the coastal bluff and was not found to be archaeologically sensitive. Public views will not be affected because there are no public view corridors on the project side of the street and there will be no increase to the size or height of the existing structure. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

Policy 3.3 of the Local Coastal Plan states that new development proposals within the coastal zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development. A new small residential unit would not be expected to generate a significant amount of new recreational users and the project includes one additional off-street parking to accommodate the additional dwelling unit. Therefore, the project can be found consistent with this policy.

Policy 5.3 of the Local Coastal Plan states that new development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and /or on-street parking resources of existing residential neighborhoods shall not be permitted. This project is consistent with this Policy because no new square footage or size is being added to the building. The new secondary dwelling unit is being constructed within the existing structure.

Policy 9.1 of the LCP states that existing views to and from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. The addition of this dwelling unit will be within the existing building and not inhibiting existing views to and from or along the ocean or any scenic coastal areas. Therefore, this project is consistent with this Policy of the LCP.

**VI. FINDINGS**

A. The Staff Hearing Officer finds that the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and CEQA certificate of determination on file for this project.

**B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

As discussed in Section V. of this Staff Report, this project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Code because the new secondary dwelling unit would be compatible with the existing neighborhood because it is constructed within the existing residence, would not be visible from the beach, would not impact views from public view corridors, would not impact public access, and would not contribute to safety or drainage hazards on the site and is not located on a coastal bluff or in an archaeological sensitivity zone.

**Exhibits:**

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated January 12, 2016

**STAFF HEARING OFFICER CONDITIONS OF APPROVAL**

2215 CARLTON WAY

*COASTAL DEVELOPMENT PERMIT*

MARCH 16, 2016

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, prepared by staff, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on March 16, 2016 is limited to an interior remodel of approximately 595 square feet to create a secondary dwelling unit within the existing 3,393 square foot one-story single family residence with an existing 451 square foot detached garage and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara. The living space of the primary residence would be 2,978 square feet.
  2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
  3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Review Board.
  4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit or Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
  5. **Secondary Dwelling Unit Restrictions.**

- a. **Sales Prohibition.** The secondary dwelling unit shall not be sold separately from the primary dwelling unit.
  - b. **Size Restriction.** The secondary dwelling unit is restricted to 599 (net) square feet.
  - c. **Owner Occupancy Required.** The approval for the secondary dwelling unit shall be in effect only so long as either the Primary Dwelling Unit or the Secondary Dwelling Unit is occupied by the owner of the lot on which the Secondary Dwelling Unit is located, except for bona fide temporary absences. The approval shall remain valid if disability or infirmity require the institutionalization of the owner.
  - d. **Unit Removal.** The approval and any conditions imposed by said permit shall lapse upon removal of the Secondary Dwelling Unit.
  - e. **Declarations Binding.** The above declarations are binding upon any successors in ownership of the property; any lack of compliance may result in code enforcement actions including, but not limited to fines and may also require that the Property be redesigned and possibly reconstructed in order to eliminate the Secondary Dwelling Unit and reestablish one single-family dwelling unit.
  - f. **Restrictions Recorded.** The above restrictions shall be controlled by means of a recorded covenant executed by owner and the City to assure compliance over the lifetime of the Secondary Dwelling Unit.
- B. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "*Agreement Assigning Water Extraction Rights.*" Engineering Division Staff will prepare said agreement for the Owner's signature.
- C. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.  
  
Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

2. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water Management Plan (treatment, rate and volume). The applicant shall demonstrate the installation of one or more basic BMP options from Chapter 5 appropriate for the proposed project and demonstrate on the site plan where the BMP will be implemented
3. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- D. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
  1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
  2. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
- E. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

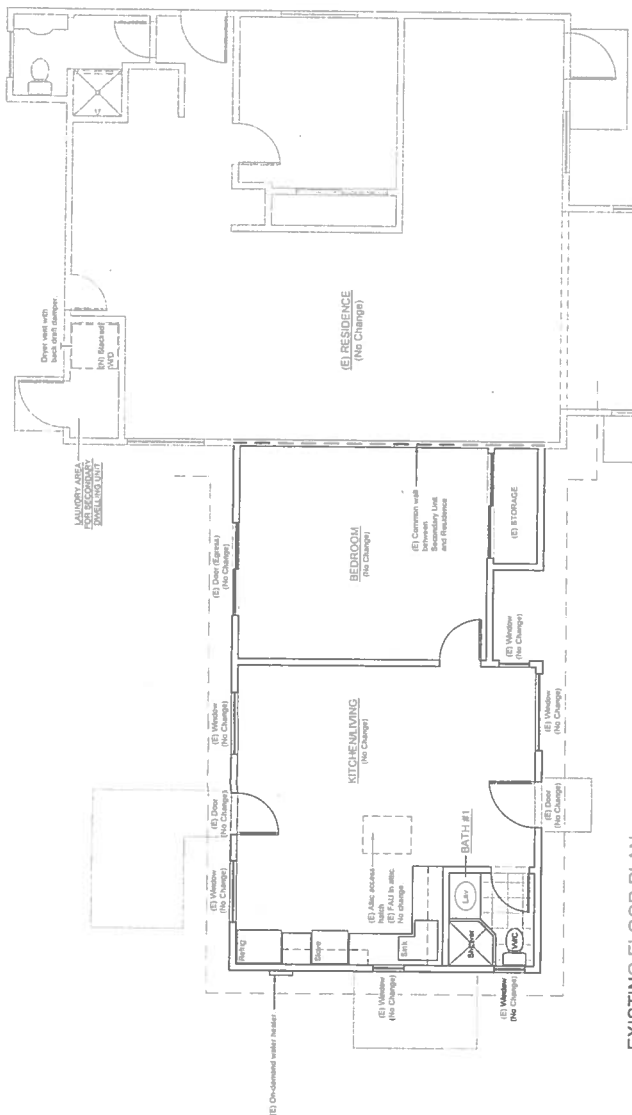


Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.



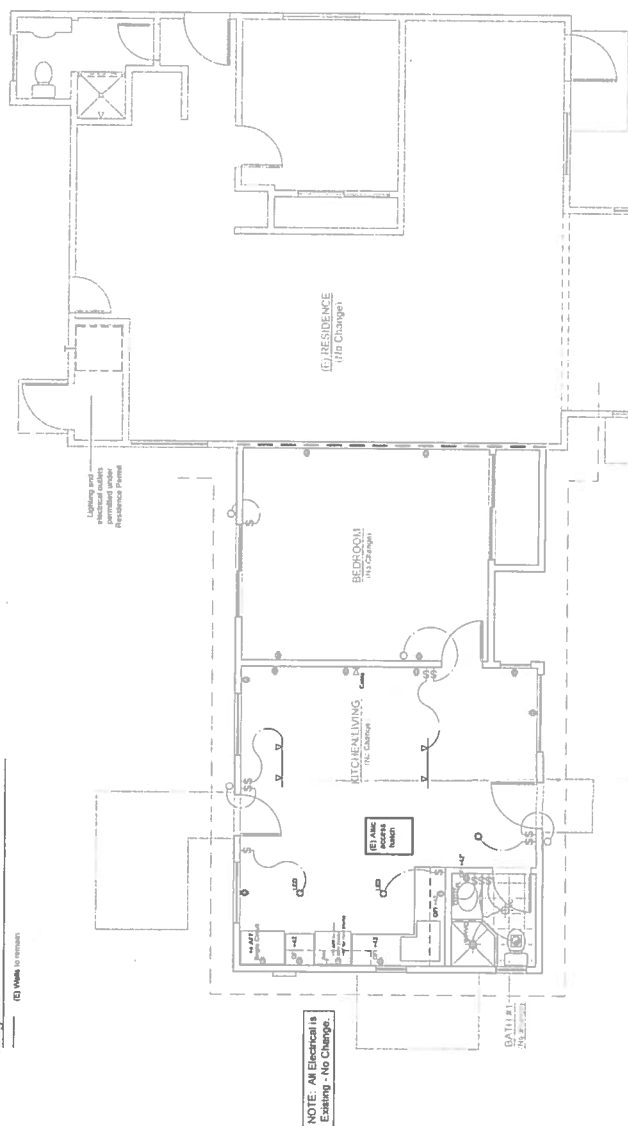


## EXISTING FLOOR PLAN

 $\frac{1}{4}'' = 1'-0''$ 

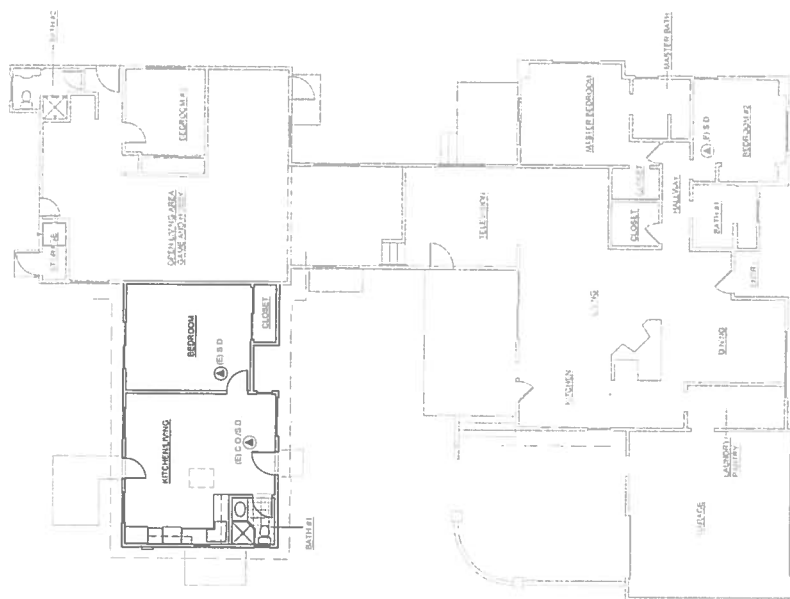
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### EXISTING ELECTRICAL PLAN

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 $1/4" \pm 1".0"$ 

## KEY PLAN

1/8" x 1'-0"



North

**NOTE: All Electrical is Existing - No Change.**

January 12, 2016

Constance Townsend  
2215 Carlton Way  
Santa Barbara, CA 93109  
805-570-7707

RECEIVED  
JAN 13 2016  
CITY OF SANTA BARBARA  
PLANNING DIVISION

Ms. Allison DeBusk  
Community Development Dept.  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93102

Re: Applicant Letter: CDP and BLDG 2016—00026, APN: 041-326-002

Dear Allison:

I am seeking a CDP and Building Permit to convert the attached habitable accessory space permitted under BLD2015-00212 to a legal secondary dwelling unit and provide a new uncovered parking space.

2215 Carlton Way is zoned E- 3,SD-3. The lot is 12,575.02 s.f. / .29 acres. There is an existing main residence (2,798 s.f.) and accessory bldg. (595 s.f.) on the property. The accessory building is attached to the residence. The accessory building is already permitted as a habitable space. No demolition, no trees or significant vegetation are being removed, and no grading. The parking requirements are being met with two covered garage spaces and one additional onsite parking space—already existing—and approved by the City Attorney without a modification (See attached email).

The adjacent properties are zoned E-3.

All exterior lighting is existing. The project would not involve the creation of any smoke or odors or noise. There are no additional studies, no recreational trails or easements and no adjacent creek.

The sewer and water services are provided by the City of Santa Barbara.

The estimated construction activity will be minimal, as there is no new construction required.

The project is a Tier I project—less than 500 s.f. Site drainage is through an existing gutter system and site drains.

All the City building and zoning requirements for a secondary dwelling unit will/or have been met. There are not any significant or problem areas.

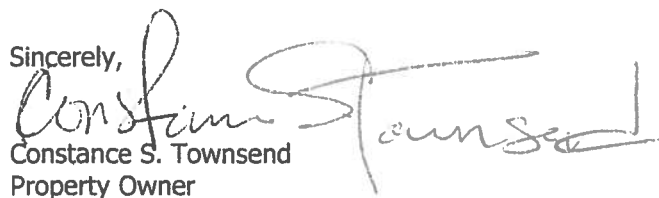
Sincerely,  
  
Constance S. Townsend  
Property Owner

EXHIBIT C